

 NORFOLK Department of Police		Operational General Order – OPR 130: Electronic Control Weapon (ECW)	
		Office of Preparation: Office of Support Services (wdp/mar)	
		CALEA: 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.9, 1.3.10, 1.3.11, 1.3.12	
LEGAL REVIEW DATE:	03/27/18	PRESCRIBED DATE:	3-30-18
City Attorney:	<i>[Signature]</i>	City Manager/Director of Public Safety:	<i>Douglas Thompson</i>
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:		<i>[Signature]</i>	

Purpose (CALEA 1.3.4)

To provide guidance and direction on the use of the Electronic Control Weapon (ECW) which is designed to safely incapacitate potentially dangerous person(s) from a distance that minimizes the danger to all parties involved. Electronic Control Weapons will be used in accordance with product specifications and with procedures which ensure maximum effectiveness and safety and which are consistent with departmental use of force guidelines as outlined in G. O. OPR-120: Use of Force.

Policy

It is the general policy of the City of Norfolk Police Department that law enforcement officers should only use the degree of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time force is used. The deployment of the Electronic Control Weapon is to prevent a subject's aggressive resistance or violence and minimize injury to both officers and subjects. Deployment of the ECW is considered a serious use of force.

Supersedes:

1. S. O. 16-001: June 7, 2016
2. G. O. OPR-130: August 10, 2015
3. Any previously issued directive conflicting with this order

Order Contents:

- DEFINITIONS
- I. Training
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DEFINITIONS:

Less-Lethal Defensive Weapons: Weapons designed and employed to incapacitate persons while minimizing fatalities and serious injuries to officers, bystanders and subjects. A less-lethal defensive weapon does not have a zero probability of producing fatalities or serious injuries; rather, it is intended to *significantly reduce the risk of such fatalities or injuries* as compared with lethal weapons such as firearms. Any use of force presents some degree of risk of death or serious physical injury.

Electronic Control Weapon (ECW): The ECW disrupts a subject's central nervous system by deploying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses. Classified as "less-lethal force," the ECW depends upon both kinetic (physical) force and electrical current to cause loss of a subject's ambulatory control. In Air Mode, it fires two darts connected to the device by fine wires. Once the darts are in place, a controlled amount of electricity (6.5-watt or incrementally higher) can be discharged into the subject. The subject may be immobilized for a short period of time (normally about 5 seconds) allowing police officers to subdue and/or restrain the subject. When used in Drive Stun mode, the unit itself is touched to a subject's body and used as a pain compliance tool.

Objectively Reasonable Force: An objective standard of force based on the perception of a reasonable officer, and based on the totality of the circumstances presented at the time of the incident.

Passive Resistance: A person who is not complying with an officer's commands and is uncooperative, but is only taking minimal physical action to prevent an officer from placing the subject in custody and taking control. Examples include standing in a stationary position and not moving when directed to, refusing to move under their own power, and locking arms to another during a protest or demonstration.

Active Resistance: A person whose verbal or physical actions are intended to prevent an officer from placing the subject under control and in custody, but are not intended to harm the officer. Examples include walking or running away and breaking away from the officer's grip to flee.

Aggressive Resistance: A person who displays the intent to harm the officer or another person and prevents an officer from placing the person under control and in custody. Examples include a person taking a fighting stance, punching, kicking, striking, and attacking with weapons or other actions which present an imminent threat of physical harm to the officer or another.

Aggravated Aggressive Resistance: A person whose actions are likely to result in death or serious bodily harm to the officer or another person. Examples include the use of a firearm, use of a blunt or bladed weapon, and extreme physical force.

Excited Delirium: A constellation of symptoms related to an acutely delirious or agitated state with varied causes such as mental illness or substance abuse. Any or all of the following symptoms may be observed: bizarre, purposeless or violent behavior; attraction to glass and other inanimate objects; hyperactivity; incoherent shouting, screaming, or animal like noises; failure to recognize police presence; extreme aggression or paranoia. On direct physical contact, the officer may note

any or all of the following: unbelievable strength; impervious to pain including injuries sustained during violent outburst; no response to ECW or alternative restraint methods; effective resistance against multiple officers; very hot skin; sweating profusely or skin extremely dry for level of exertion. Due to unpredictable mental and physical conditions which may complicate their responsiveness to an ECW, persons exhibiting such symptoms who have been given an ECW application will be treated as a medical emergency.

After Firing Identification Dots (AFID): Small identification tags ejected from the air cartridge when the ECW is fired. AFIDs have the individual unit's serial number printed on them, which identifies which unit was fired.

Air Cartridge: A replaceable cartridge which contains and fires the electrical probes. The air cartridge has two probes on the front allowing it to be used as a contact device. When the air cartridge is removed the ECW can also be used as a contact Electro-Muscular Disruption device.

Data Port: A computer data port located at the back of the ECW which allows data to be downloaded from the device. Each time the device is fired it stores the time and date of activation.

Probes: Projectiles fired from an ECW which penetrate the skin; wires are attached to the probes leading back to the ECW.

Drive Stun: A manner of ECW deployment without propulsion of the probes.

I. Training (CALEA 1.3.9, 1.3.10, 1.3.11, 1.3.12)

Subject to the approval of the Chief of Police, the Training Division will establish training and deployment guidelines for departmental use of ECWs and department-issued holsters.

- A. The Training Division will maintain records to ensure that officers receive the training at the appropriate times. (CALEA 1.3.11a,b)
- B. Only departmental personnel who have completed a Department approved training course will be authorized to operate an ECW in a manner consistent with departmental training guidelines. (CALEA 1.3.10)
- C. The Training Division will ensure all personnel authorized to carry the ECW are issued copies of and are instructed in the policies and procedures contained in this order. The issuance of the policies will be documented. (CALEA 1.3.12)
- D. Consistent with departmental use of force policy, only department-issued ECWs will be used as specified in Department Issued Electronic Control Weapon Specifications, Attachment B, of this order, which has been approved by the commanding officer of the Training Division. (CALEA 1.39a)

- E. Documented ECW recertification will occur annually and consist of demonstrating physical competency and, as applicable, review of device retention, changes in agency policy, technology changes, and review of local and national trends in ECW use. Any practical or physical training will be monitored by a defensive tactics instructor.

II. Placement of ECW

- A. The ECW will be worn on the support side of the duty belt (opposite from the duty weapon), and will be drawn with the support hand.
- B. Personnel assigned to Special Operations Team (SOT), Vice and Narcotics, and Fugitive Squad may wear the ECW at a location consistent with instructions provided by the Training Division and/or certified ECW instructor.

III. General Parameters for Use (CALEA 1.3.4)

The ECW is a less-lethal defensive weapon. It may be used when necessary to overcome aggressive resistance encountered in the discharge of an official duty where it is reasonably believed that the use of a less obtrusive method would expose the officer or others to physical injury. The aggressive resistance does not have to be a threat of great bodily harm or death.

- A. The ECW is authorized for use in any incident of resistance at a level higher than active resistance. In exigent circumstances, it may be used in an active resistance situation.
- B. The decision to use the ECW must be made based on the totality of the circumstances in a given situation. Circumstances that may bear on the decision include, but are not limited to, the following:
 - 1. Attempts to subdue the subject by other conventional tactics have been or will likely be ineffective in the situation.
 - 2. Reasonable expectation that, due to the physical distance, other means would prove unsafe, either for officers and/or for others in the immediate vicinity.
 - 3. The need to arrest or gain control of a subject demonstrating aggressive resistance, to prevent escape, or to halt the commission of a criminal offense.
 - 4. Deadly physical force does not appear to be justified and/or necessary.
- C. The act of simply fleeing from an officer does not justify the use of the ECW without the above conditions present.

- D. When, based on the totality of circumstances, the officer reasonably believes it is unsafe to deploy the ECW, and/or concludes that the use of other less-lethal force is more appropriate, the ECW will not be used.

IV. Operational Procedures (CALEA 1.3.4)

A. Supervisor Notification:

1. Any use of an ECW against a subject must immediately be reported to the supervisor related to the incident.
2. Any attempted use of an ECW against a subject must immediately be reported to the supervisor related to the incident. This includes where the ECW was drawn and/or a subject was given a verbal warning of intended use but activation was not required since the warning acted as a deterrent and achieved the objective of compliance.
3. A supervisor will respond to all incident scenes where an ECW was activated. If not activated, the supervisor will be notified and upon review of the circumstances, may respond to the scene at his or her discretion.

B. The ECW must not be intentionally aimed at a person's head, neck or groin.

C. Application of the ECW:

1. Whenever possible, steps should be taken to obtain back-up personnel prior to the use of the ECW. Back-up personnel should be deployed in such a manner as to enable them to take the suspect into custody using restraint procedures during the five-second ECW deployment window. This will minimize the need for repeated, prolonged and/or continuous ECW exposures.
2. In most cases, the ECW is to be deployed in individual five-second discharges. Avoid prolonged, extended, uninterrupted discharges or extensive multiple discharges.
3. Following each five-second ECW discharge, the discharging officer will immediately assess the situation to determine the need for subsequent ECW discharges and/or the use of other techniques or force. The officer will use verbal commands and observation of the subject's reactions to ascertain when the subject is able to hear and carry out the officer's commands.
4. When practical, physical restraint techniques such as handcuffing should be applied during the five-second ECW discharge to minimize the total duration of the struggle and that of the ECW system stimulation.

5. If circumstances preclude restraint techniques immediately following ECW discharge for reasons such as discharge by a lone officer, or lack of effectiveness of the discharge:
 - a) The discharging officer should attempt to minimize the uninterrupted duration and total number of ECW applications.
 - b) If the subject refuses to comply after three ECW applications, the officer will consider whether additional applications would make sufficient progress toward compliance/restraint, or if a transition to a different force option is warranted. Other than the exception stated below in Section IV.C.6, if at all possible the officer should refrain from further applications and use alternate means of obtaining compliance.
6. Consistent with use of force procedures as outlined in G. O. OPR-120: Use of Force, situations warranting consideration of prolonged, extended, uninterrupted discharges or extensive multiple discharges of the ECW will be limited to those where the subject poses an immediate potential threat of death or potential great bodily harm to others.

D. Excited Delirium During ECW Application:

1. Excited delirium is a potentially fatal condition caused by a complex set of mental and/or physical conditions including over-exertion of the subject and inability for sufficient respiration to maintain normal blood chemistry. These subjects are potentially fatal health risks from further prolonged exertion and/or impaired breathing. Excited delirium has been associated with mental instability and/or abuse of narcotics/street drugs.
2. While assessing the progress of the situation and the potential need to change tactics, officers should be mindful of the signs/symptoms associated with excited delirium. These signs/symptoms include:
 - a) Unfounded fear/panic.
 - b) Shouting/ridiculous speech.
 - c) Bizarre behavior (hallucinations/paranoia).
 - d) Hyperactivity and thrashing about (especially after restraint).
 - e) Unexplained strength/endurance.
 - f) Shedding clothes/nudity due to increased body temperature.
 - g) Profuse sweating.

3. Since excited delirium is a potentially life-threatening medical emergency, in suspected cases of excited delirium, officers will immediately **call for an EMS response**.

- a) If the subject's symptoms of excited delirium appear to result from a medical condition the officer should:
 - (1) Immediately stop deployment of the ECW.
 - (2) Call for back-up, if needed.
 - (3) Use alternative means of restraint.
 - (4) Ensure subject's ability to breathe.
 - (5) Facilitate EMS sedation administration by maintaining control.
- b) If the subject's symptoms of excited delirium appear to result from a mental/emotional crisis, agitation, intoxication, and/or illegal substance abuse, the officer should:
 - (1) Call for adequate back-up.
 - (2) Rapidly gain control.
 - (3) Ensure subject's ability to breathe.
 - (4) Facilitate EMS sedation administration by maintaining control.

4. When arresting a subject on the ground, ensure that he/she remains face up. Employ reasonable force based on the totality of circumstances.

E. Unless exigent circumstances exist, the ECW will not be used when a suspect is operating a motor vehicle and the engine is running, to include automobiles, trucks, motorcycles, SUVs, bicycles and scooters.

F. Unintentional / Negligent Discharge

Should an ECW discharge unintentionally, personnel will notify an on-duty supervisor, record the incident as outlined in G. O. OPR-145: Electronic Reporting System, and submit the ECW to the Training Division or designee to be inspected for defects.

- 1. If a subject is struck, the officer will complete a Use of Force Report via the ERS and follow applicable policy procedures.
- 2. If no subject is struck, sworn personnel will ensure that:
 - a) The probes and cartridges are destroyed, to be treated as any other sharp object according to standard procedure.
 - b) A Use of Force Report is completed via the ERS.
 - c) The data device has been downloaded by designated personnel.

3. The officer's supervisor will conduct an investigation to review the circumstances and determine whether further action is required.

G. Only one officer at a time will discharge an ECW at a subject.

1. If more than one ECW is unholstered for potential use, officers are to communicate with one another according to standard training procedures in order to help prevent multiple discharges or a sympathetic discharge of additional ECW weapons.
2. Another officer may be prepared to discharge an ECW if the first weapon proves ineffective or fails.
3. Officers taking a secondary role in the event will keep their ECW on "safe" unless necessary to discharge.

H. Limited or Unauthorized Use

Other than in exigent circumstances, the ECW must not be used on a person who:

1. Offers only non-threatening verbal, passive, or active resistance.
2. Is handcuffed or otherwise mechanically restrained.
3. Is physically vulnerable due to age or medical conditions. This includes children or persons under 80 pounds, the elderly, and women known to be or who appear to be pregnant.
4. Has been sprayed with any substance that is likely to explode, or is in a location where there are flammable liquids or gases, or where smoking or open flames are prohibited for safety reasons. If OC spray has been used, do not deploy ECW.
5. May be in danger of falling from a height that could injure the person.
6. Is attempting to injure himself/herself or commit suicide, without committing any other offense or crime.

V. Preparation for Use and Maintenance (CALEA 1.3.9)

- A. The ECW must be tested for proper operation each work day at the start of the employee's shift and recorded on PD 012, ECW Log Sheet, which is maintained by the division supervisor. Completed ECW logs will be turned over to the Training Division for retention. A malfunctioning or unsafe ECW will be turned over to the Training Division or designee for servicing, with a replacement ECW issued, if available.

- B. The battery must be kept in the ECW at all times. When required, it may only be removed by personnel authorized to service the device.
- C. The electronic information from the weapon will be uploaded and saved for review at regular intervals determined by the Training Division. Only authorized personnel may connect a device to the data port in order to review and/or download information from the ECW.
- D. The ECW must be safely stored and secured in accordance with training policy and the manufacturer's storage instructions.

VI. Medical Procedures (CALEA 1.3.5)

A. Removal of ECW Probes

- 1. For normal ECW discharges that require no observable medical follow-up, officers will remove probes according to standard ECW training procedures, keeping in mind blood borne pathogen concerns.
- 2. Officers will request City of Norfolk Fire Rescue Emergency Medical Services (EMS) and leave removal of probes to trained medical personnel under the following conditions. If it is not clear whether a person requires medical attention, the officer will act with caution and request EMS services.
 - a) A probe strikes a vulnerable or vital area of the body such as the head, neck, face, groin or genital areas.
 - b) The probe hit creates a highly unusual reaction that clearly appears to require medical intervention.
 - c) The ECW and/or probe hit creates a physical or mental reaction in the person that appears to require additional medical attention.
- B. Immediately after ECW use, officers will follow standard restraint procedures while ensuring that the subject is positioned with breathing unobstructed and will ensure that medical follow-up is implemented.
- C. If applicable, the officer should communicate any of the following unusual reactions of a subject either to the dispatcher before EMS arrival, or to EMS personnel upon arrival:
 - 1. Complains of chest pains.
 - 2. Through observation or complaint, experiences shortness of breath.
 - 3. Subject is or was unconscious as a result of the use of the ECW.

4. Is possibly under the influence of drugs.
5. Displays a continued state of agitation after the application of the ECW.
6. Falls while ECW is applied and is injured as a result of the fall.
7. If a person manifested signs of excited delirium, EMS personnel should be advised. Due to unpredictable physiological conditions which may complicate their responsiveness to an ECW, such persons should be treated as a medical emergency.

VII. Supervisor's Responsibilities (CALEA 1.3.7)

- A. The supervisor will ensure that the subject of the ECW deployment receives medical attention as required.
- B. All instances of ECW usage, including unintentional or negligent discharges, will be investigated by a supervisor. The incident will be reported as a use of force incident according to established procedures. The supervisor will ensure that a Use of Force Report is completed by the officer via the ERS and carry out any other actions or paperwork appropriate to the circumstance.
- C. Each Use of Force Report will be reviewed by the officer's chain of command and forwarded to the officer's Bureau Chief for approval.
- D. If the incident contains any of the circumstances listed below, the supervisor will ensure that further investigation and report procedures are initiated as applicable.
 1. Accompanied by substantial injury or death.
 2. An officer struck a target that is a substantial deviation from training guidelines.
 3. Injuries are not consistent with the normal performance of the device.
 4. Improper use of the ECW as a less-lethal device is shown or suspected.
- E. Maintains the record of daily tests for proper ECW operation carried out each work day at the start of the employee's shift and entered on PD 012, ECW Log Sheet.

VIII. Report Procedures (CALEA 1.3.6)

- A. Use of Force Report, Electronic Reporting System

A Use of Force Report via the ERS is required for all incidents involving use of force and ECW applications as directed in S. O. 15-003: Special Incidents (SI). This includes unintentional or negligent discharges, intended uses that did not result in firing but acted as a deterrent, and drawing the ECW or using the laser dot or an arc display.

The Use of Force Report will be forwarded to the:

1. Officer's Chain of Command
2. Officer's Bureau Chief
3. Office of Professional Standards
4. ECW Administrator, Training Division

B. Special Incident Reporting (CALEA 1.3.7)

When the ECW is drawn and not used (acting as a deterrent or other circumstance) a Use of Force Report will be completed via the ERS. When the ECW is deployed, reporting officers will complete a Use of Force Report via the ERS to document the event. A narrative of the incident will be described on the Use of Force Report to briefly explain:

- a) Why the ECW was used.
- b) Circumstances surrounding use.
- c) The results and effects of use.

- C. As a use of force issue, the Office of Professional Standards will maintain an electronic database to identify ECW trends and deployment concerns. This includes display and arcing of weapons to measure prevention and deterrence effectiveness of ECW usage. Reports will be compiled and sent to the Training Division and commands at regular intervals as determined by the Chief of Police or designee.
- D. All use of force reports associated with the incident are to be completed and approved before the end of the deploying officer's tour of duty and forwarded to appropriate investigative units, if applicable.

IX. Investigation Procedures

Every investigation into ECW use should include:

- A. Photographs of subject and officer injuries.
- B. Photographs of cartridges/darts.
- C. Copies of the device data download.
- D. For each fired ECW, use gloves to collect and voucher expended cartridges, probes, and a sample of AFID microdots. Probes must be collected in a separated sharps container apart from the expended cartridge to avoid accidental punctures of personnel. Each item may be placed on a single voucher but each must have its own item number.

- E. Photograph areas as possible, of the subject's body impacted by ECW probes, to include, as applicable:
 - 1. Photo of embedded probes prior to removal.
 - 2. If they can be removed by the officer without medical assistance, photo of the same areas after successful removal of probes.
 - 3. If probes did not penetrate the skin, photos of the areas believed to have been struck by the probes, showing that no penetration occurred.
 - 4. If a drive stun was executed or attempted, photo of area where drive stun impacted or was aimed at the body.

X. Data Downloads

A supervisor or designee will ensure that data downloads of each ECW unit are performed according to manufacturer standards every three months (during the third week of January, April, July, and October) following procedures instituted by the Training Division and in keeping with manufacturer's specifications.

- A. In addition, an ECW data and video will be downloaded:
 - 1. Prior to any repair or maintenance.
 - 2. As soon as practical following ECW use on a person or animal.
 - 3. As soon as practical following an unintentional or negligent discharge.
 - 4. At the discretion of a supervisor or command staff in order to evaluate ECW components or use.
- B. Based on ECW reports of usage and data download information, the Training Division will prepare an annual report on usage, product reliability, recommended training needs and/or policy modifications related to the ECW use of force.
- C. Individual commands will ensure that the time specifications which register on the data port of each unit function properly and accurately.
- D. Video downloads will be available for review by authorized personnel as circumstances require, e.g., for training or investigation. Duplication is not permitted except for investigative requirements authorized by a Bureau Chief.
- E. Commanding Officers, Officers in Charge, or their designees **must view all** ECW videos after they are downloaded from the body worn camera.

XI. Use on Aggressive Animals

The ECW may be an effective option for use on violent animals when used in accordance with training standards.

- A. ECWs may be used on animals if circumstances are appropriate and no other means are available. Members should be aware of the possibility of an aggressive response from the animal after deployment.
- B. Animal Control Officers who are issued an ECW must complete the same training requirements as sworn officers and will not utilize the ECW on anything other than animals.
- C. Once an animal has been exposed to an ECW deployment, the animal will be taken to a veterinary facility and assessed for medical needs.
- D. If there is any question or doubt about the animal's medical needs or possibility thereof, a supervisor will make the decision for treatment.
- E. A Use of Force Report will be completed via the ERS with each use against an aggressive animal and processed according to standard procedures.

XII. Audits

Audits for the following will be scheduled by a compliance inspector at intervals determined by the Chief of Police:

- A. Inspection of data download activation reports to be reconciled with use of force reports.
- B. Verification that all Norfolk Police Department ECW users meet required training and recertification standards.

Related Documents:

- 1. G. O. ADM-210: Internal Complaints
- 2. G. O. OPR-120: Use of Force
- 3. G. O. OPR-140: Special Incidents
- 4. G. O. OPR-145: Electronic Reporting System
- 5. G. O. OPR-410: Deadly Force Incidents
- 6. G. O. OPR-750: Field Command
- 7. G.O. OPR-715: Body Worn Cameras

Attachments:

- A. PD 012, ECW Log Sheet
- B. Department Issued Electronic Control Weapon Specifications

Date of Issue: 04/09/2018

Department Issued Electronic Control Weapon Device Specifications
CALEA 1.3.9. a/b

Type:	Electronic Control Weapon
Make:	TASER ® International
Model:	X2
Nomenclature:	Enhanced Shaped Pulse technology
Authorized Cartridges:	TASER Cartridge: X2-25" and X2-35" Smart Cartridge